

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRYPHON DEVELOPMENT LLC,

Plaintiff,

NOTICE OF MOTION

-against-

Case No.: 08 CIV 3252 (WCC)

TOWN OF MONROE,

Defendant.

-----X

MOVING PARTY:

Defendant, TOWN OF MONROE

RELIEF REQUESTED:

An Order disqualifying the attorney for the plaintiff, GRYPHON DEVELOPMENT, LLC, from representing the plaintiff in this litigation.

DATE, TIME & PLACE OF MOTION: Pursuant to a Scheduling Order dated July 23, 2008, the motion herein will be submitted to the United States District Court, Southern District of New York, Hon. William C. Conner, at the U. S. Courthouse, Rm. 630, 300 Quarropas Street, White Plains, New York 10601 on the following briefing schedule:

Plaintiff's Service of Opposition
Papers: September 10, 2008

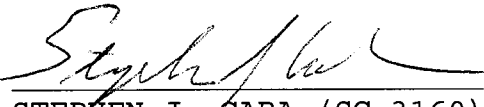
Defendant's Service of Reply
Papers: September 15, 2008

Oral argument is requested upon the motion upon such date as the Court may allow.

Dated: New Windsor, New York
August 15, 2008

DRAKE, LOEB, HELLER, KENNEDY,
GOGERTY, GABA & RODD PLLC

By:


STEPHEN J. GABA (SG-3160)

Attorneys for Defendant,
TOWN OF MONROE,
555 Hudson Valley Avenue
Suite 100
New Windsor, NY 12553
Tel. No. (845) 561-0550

TO: JAMES G. SWEENEY, P.C.,
Attorney for Plaintiff,
GRYPHON DEVELOPMENT LLC,
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P.O. Box 806
Goshen, New York 10924
Tel. No. (845) 291-1100

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CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I, STEPHEN J. GABA, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age, and reside at Newburgh, New York.

2. I hereby certify that on August 15, 2008, I served a true copy of the annexed Notice of Motion, Declaration in Support of Motion, Affidavit of Donald Weeks, Exhibits in Support of Motion and Memorandum of Law in the following manner:

By e-filing same with the United States District Court, Southern District of New York and by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the address of the addressee(s) as indicated below:

TO: JAMES G. SWEENEY
Attorney for Plaintiff
One Harriman Square
P.O. Box 806
Goshen, New York 10924
Tel. No.: (845) 291-1100


STEPHEN J. GABA (SG-3160)